

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
1934  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4      NUMBER 79

Washington, Tuesday, April 25, 1939

## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### FEDERAL SURPLUS COMMODITIES CORPORATION

##### REGULATIONS AND CONDITIONS GOVERNING ISSUANCE OF FOOD ORDER STAMPS

ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS

By virtue of the authority vested in the Secretary of Agriculture by law, I, Henry A. Wallace, Secretary of Agriculture, do make, prescribe, publish and give public notice of the following regulations and conditions, to be in force and effect until amended or superseded by regulations or conditions hereafter made by the Secretary of Agriculture pursuant to law.

#### Article I. Regulations

SEC. 100 *Issuance of orange colored and blue surplus food order stamps.* Orange colored and blue surplus food order stamps shall be issued only to persons certified by duly authorized agencies as eligible for public assistance and who, when so required, present evidence of such certification. After the issuance of the second book or series of books of food order stamps to any eligible person, no book or series of books shall be issued to such person unless there has been turned in to the issuing officer the covers of the initial book or series of books together with the proper certification of the holder provided for thereon; thereafter no holder shall be eligible to receive further books unless he has in like manner, with like certification, turned in the covers of all books previously issued, except the last book immediately preceding. In the event that the holder loses the covers of any book, he shall be eligible to receive further books only upon execution and presentation to the issuing officer in the form required of (a) a sworn affidavit that he has lost the

covers and (b) a certification similar to that contained upon the covers.

SEC. 101 *Designation of surplus agricultural commodities or products thereof.* The Corporation shall from time to time prepare bulletins in which there shall be designated the agricultural commodities and products thereof found by the Secretary to be surplus food. Such bulletins shall be furnished to food retailers and wholesalers through their local organizations and trade publications, and to local newspapers and interested persons upon request.

SEC. 102 *Payment of claims supported by properly presented food order stamps.* Any retail food store merchant, who either personally or through his agent or representative, delivers food or surplus food to an authorized holder of food order stamps in accordance with the conditions made herein shall be entitled, in the event a claim for payment is made and presented, properly supported by such stamp cards, vouchers and other forms as the Corporation may provide, to receive payment from funds held by or for the Corporation for orange colored or blue surplus food order stamps at the rate of twenty-five cents (25¢) for each such stamp, provided the Corporation is satisfied that a proper claim has been made.

SEC. 103 *Refunds.* In the event that food order stamps are not presented for delivery of food thereon, the Corporation shall make proportionate refunds on orange colored food order stamps if returned to the Corporation by the person to whom originally issued together with blue surplus food order stamps in the same ratio in which received.

#### Article II. Conditions

SEC. 200 *Amount and ratio of orange colored and blue surplus food order stamps available to any eligible person.* Any person certified by a duly authorized agency as eligible for public assistance, who, when required, has presented evidence of such certification, if entitled to periodic payments, may purchase or obtain in lieu of money payment, orange colored food order stamps, for any one pay period or any period between relief

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Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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payments, of a total minimum value of one dollar (\$1.00) per week for himself and for each member of his family or person dependent upon him for support. In accordance with a formula to be prescribed by the Corporation, any such person may purchase or obtain in lieu of money payment for such period a total maximum value of approximately one dollar and fifty cents (\$1.50) per week of orange colored food order stamps for himself and for each member of his family or person dependent upon him for support. Any person purchasing or obtaining orange colored food order stamps shall be given blue surplus food order stamps in the ratio of one blue surplus food order stamp for each two orange colored food order stamps purchased or obtained: *Provided, however*, That if in certain states, political subdivisions thereof, or areas, a substantial proportion of certain or all classes of eligible persons are found by the Corporation to be unable to purchase or obtain orange colored food order stamps or are able to purchase or obtain such stamps only in an amount substantially below the minimum provided in this section, blue surplus food order stamps shall be given in an amount determined by the Corporation and without regard to the purchasing or obtaining of orange colored food order stamps.

SEC. 201 *Food obtainable by use of orange colored and blue surplus food order stamps.* Orange colored food

order stamps may be used in any retail food store for any food, as defined herein, sold in such stores, including agricultural commodities and the products thereof found by the Secretary to be surplus food. Blue surplus food order stamps may be used in any such store only for food products found by the Secretary of Agriculture to be surplus food and so designated.

SEC. 202 *Limitations on use of stamps.* No retail food store merchant, nor any manager, clerk, assistant or other person acting for him, shall accept either orange colored food order stamps or blue surplus food order stamps unless detached in the presence of such person at the time that the food or surplus food is delivered to the person authorized to receive such food. Food order stamps shall not be used for food which in the usual course of business is consumed on the premises of any retail food store; nor shall such stamps be sold, or used for any purpose or to effect any arrangement, agreement, scheme or device other than that provided herein, not excluding the payment of accounts or debts previously incurred for food or other commodities delivered or services rendered.

SEC. 203 *Duty of retail food store merchants or their representatives.* Nothing contained herein shall, in any manner, be interpreted or construed to relieve any retail food store merchant, or any manager, clerk, assistant or other person acting for him, from the duty of making every reasonable effort to determine that the person presenting stamps for food or surplus food is the person whose name appears on the book of stamps, or an authorized representative of such person, and of requiring satisfactory identification if he has any reason to doubt the identity of the person or has right to possession of the stamps.

SEC. 204 *Change.* No retail food store merchant, and no manager, clerk, assistant or other person acting for him, shall give change in currency or otherwise in connection with food delivered for food order stamps; *provided, however*, that if such merchant or person so desires, he may extend credit for future delivery of food or surplus food, as the case may be, for the balance of the face value of an orange colored or blue surplus food order stamp, if the food delivered is of a value less than either a single stamp or a multiple thereof.

SEC. 205 *United States post office, wholesalers and banks.* The United States Post Office, wholesalers or banks may act as agents for retail food merchants in presenting to the Corporation claims for payment for food delivered to holders of food order stamps. The United States Post Office may, if authorized, act as agent for the Corporation in connection with payment upon such claims if properly presented.

SEC. 206 *Relief agencies.* In case food order stamps are made available in any state or political subdivision thereof or any area therein, if the Secre-

tary, or his duly authorized representative, after reasonable notice and opportunity for hearing to the agency of such state or political subdivision or area, administering or supervising the administration of the issuance of food order stamps, finds that there have been imposed unreasonable or arbitrary requirements as to eligibility of persons to receive stamps in a substantial number of cases; or that in the administration of such stamps there has been a failure to abide by the conditions contained herein or by any agreement, understanding or direction with or by the Secretary or the Corporation in connection with such stamps; the Secretary, or his duly authorized representative, shall notify such agency that such stamps will not be available in such state, political subdivision or area until the Secretary, or his duly authorized representative, is satisfied that the unreasonable or arbitrary requirement is no longer so imposed and that there is no longer any such failure to abide by such conditions, agreement, understanding or direction. Nothing contained herein shall be construed to limit the right of the Secretary to withdraw the food order stamp distribution plan from any state or political subdivision thereof or area therein whenever he has reason to believe that the provisions of section 32, Public Law No. 320, 74th Congress, as amended, and Public Law No. 165, 75th Congress, will not be effectuated by the continuation thereof.

SEC. 207 *Penalties.* Any person who makes or causes to be made or presents or causes to be presented, for payment or approval to or by any person or officer in the Corporation or anyone acting as agent for the Corporation, any claim upon the Corporation for payment of orange colored or blue surplus food order stamps, knowing such claim to be false, fictitious, or fraudulent, or in violation of the conditions herein contained; or whoever, in connection with the obtaining, holding, presentation, use and payment upon orange colored or blue surplus food order stamps, shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used, any false stamp, stamp book, stamp card, certificate, voucher, bill, account, or claim knowing the same to contain any fraudulent or fictitious statement or entry or to be in violation of the conditions herein contained shall be subject to the fines and punishment as provided in the United States Criminal Code and elsewhere and shall be denied further participation in any matter or respect concerning orange colored or blue surplus food order stamps or the food distribution plan based thereon.

#### Article III. Definitions

SEC. 300 As used on the stamp order book and on the face of the food order



stamps and upon any other instrument or document issued in connection with food order stamps, and in these regulations and conditions, unless the context clearly indicates another meaning:

(a) The term "Secretary" means the Secretary of Agriculture of the United States of America.

(b) The term "F. S. C. C." or "Corporation" means Federal Surplus Commodities Corporation, an agency of the United States under the direction of the Secretary.

(c) The term "retail food store" means a merchandising establishment where a food and grocery retailer carries on the business of selling food or grocery products to consumers, not for the purpose of resale in any form and not consumed in the usual course of business on the premises.

(d) The term "food" means any agricultural commodity or the product thereof sold in retail food stores for internal consumption not on the premises and shall include household necessities usually purchased in grocery stores such as soap, starch, and the like, but shall not include wines, liquors, beers, or other alcoholic beverages or tobacco in any form.

(e) The term "surplus food" means food found by the Secretary of Agriculture to be surplus and so designated in a surplus commodities bulletin published and distributed by Federal Surplus Commodities Corporation in connection with the use of blue surplus food order stamps.

#### Article IV. Construction

SEC. 400 Nothing contained in these regulations and conditions shall be construed to be in derogation or modification of the right of the Secretary, the Corporation, or of the United States to exercise any jurisdiction or power granted by law.

*In Testimony Whereof*, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 21st day of April, 1939.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 39-1387; Filed, April 24, 1939; 12:10 p. m.]

#### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[P-3]

#### PART 741—1939 PRICE ADJUSTMENT PROGRAM REGULATIONS\*

##### SUPPLEMENT NO. 2

By virtue of the authority vested in the Secretary of Agriculture by the Price Adjustment Act of 1938, approved June 21,

\*Issued under the authority contained in Sections 501, 301, 303, 104, 52 Stat. 819, 43, 45, 35.

1938 (Title V of Public Res. No. 122, 75th Congress; 52 Stat. 819), and pursuant to the provisions of Sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 43, 45), and the second paragraph of Section 15 of the Soil Conservation and Domestic Allotment Act, as amended by Section 104 of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 35), the 1939 Price Adjustment Program Regulations, as approved on January 13, 1939, and amended by Supplement No. 1 (P-2),<sup>1</sup> are hereby amended as follows:

(1) Section 741.5 is amended to read as follows:

"Division of payment. The payment for a farm with respect to any commodity shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either planted acreages or percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such commodity planted on the farm for harvest in 1939. Such determination shall be made at such time as compliance with the provisions of the 1939 Price Adjustment Program with respect to such commodity is certified by the county committee: *Provided*, That if any such commodity is not planted for harvest on the farm in 1939 or the acreage of such commodity is substantially reduced by flood, hail, drought, or insects, payment with respect to such commodity shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such commodity if the entire acreage in the acreage allotment for such commodity had been planted and harvested in 1939; *Provided further*, That in cases where two or more separately owned tracts of land comprise a farm, in areas designated by the Administrator as areas in which a substantial proportion of the farms are comprised of two or more separately owned tracts of land, upon the written agreement of all persons who are entitled to receive a share in the proceeds of any such commodity the share of each such person in the payment with respect to such commodity on the farm shall be that indicated in such written agreement by each such person as that share which fairly reflects the contribution of each such person to performance with respect to such commodity and also results substantially in a division of such payment among landlords, tenants, and sharecroppers as classes as each such class shares in the commodity or proceeds thereof with respect to which the payment is being made."

<sup>1</sup> 4 F. R. 899 DI.

(2) Section 741.6 is hereby amended by adding at the end thereof the following paragraph:

"(d) *Payment restricted to effectuation of purposes of the program.* All or any part of any payments which would otherwise be made to any person under the 1939 Price Adjustment Program may be withheld if the county committee finds that he has overplanted or caused the overplanting of the acreage allotment which was or could have been established for a separately owned tract of land included in a combination farm and refuses to cooperate with other producers having an interest in the farm in making equitable adjustments with respect thereto."

Done at Washington, D. C., this 22d day of April 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

HARRY L. BROWN,  
Acting Secretary of Agriculture.

[F. R. Doc. 39-1385; Filed, April 24, 1939; 12:10 p. m.]

#### SUPPLEMENT TO REGULATIONS PERTAINING TO FLUE-CURED TOBACCO MARKETING QUOTAS FOR THE 1938-1939 MARKETING YEAR

Form 38-Tobacco 28, "Regulations Pertaining to Flue-cured Tobacco Marketing Quotas for the 1938-1939 Marketing Year",<sup>1</sup> is amended as follows:

Article V—Transfer of Quotas—is amended by adding at the end of said Article a new section as follows:

"SEC. 517 *Final Date for Transfer.* No transfer of marketing quota shall be made after April 24, 1939."

Done at Washington, D. C., this 22d day of April 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

HARRY L. BROWN,  
Acting Secretary of Agriculture.

[F. R. Doc. 39-1386; Filed, April 24, 1939; 12:10 p. m.]

#### TITLE 10—ARMY WAR DEPARTMENT

##### CHAPTER IV—MILITARY EDUCATION

##### PART 43—PROMOTION OF RIFLE PRACTICE<sup>2</sup>

SEC. 43.1 *Issues of rifles,ammunitions, etc., to schools—(a) Requirements to receive benefits of acts—(1) General.* Schools to receive the benefits of the foregoing acts, viz, act of April 27, 1914 (38 Stat. 370), and act of August 29, 1916 (39 Stat. 643), under these regulations, must meet the requirements specified in those acts. These schools include those to which issues of rifles and ammunition

<sup>1</sup> 3 F. R. 1833 DI.

<sup>2</sup> These regulations amend sections 43.1 and 43.2, Title 10, Code of Federal Regulations.



are not authorized under the provisions of other existing laws (sec. 40 or sec. 55c, National Defense Act, as amended by the act of June 4, 1920 (41 Stat. 776 and 780)).

(2) *Number of cadets necessary.* A school to draw rifles and ammunition under the provisions of the act must maintain during the entire school year a uniformed corps of cadets, at least 40 in number, who receive military instruction and who must engage in target practice.

(f) *Rifles, appendages, and equipment—(1) Care.* The schools to which issues of ordnance stores are made will be required to keep said property in like good and serviceable condition as when issued by the Government, and for this purpose the implements, spare parts, and appendages necessary for this purpose will be sold to them at cost price. The sales of spare parts and of the appendages referred to in paragraph (b) for small arms will be made by the Ordnance Department. Application will be made to the Director of Civilian Marksmanship by the proper official of the school desiring the articles for the maintenance of the arms issued to the school, and he should state that these articles are needed for this purpose.

(2) *Transportation.* The transportation of rifles, spare parts, and appendages from the Government arsenals to such schools and back to the Government arsenals will be without expense to the United States.

(3) *Inspection.* Rifles, appendages, and equipment therefor which become unfit for use for any cause will be reported to the Director of Civilian Marksmanship. Upon the receipt of such report, the Director of Civilian Marksmanship will issue shipping instructions to the responsible party for the return of the unserviceable arms, appendages, or equipment, to a designated arsenal, shipment to be made without expense to the Government. Upon reaching an arsenal they will be inspected by an officer of the Ordnance Department, and if their condition is found to be due to the ordinary incidents of service they may be replaced with serviceable stores of like character; but if their condition is found to be due to carelessness or other than legitimate causes, the extent of damage or value of missing stores will be determined by the receiving officer and reported to the Director of Civilian Marksmanship, who will require payment by the school or the responsible party under the bond before any new issue of rifles or appendages is made.

(4) *Annual returns.* Annual return (statement) of property will be rendered on December 31 to the Director of Civilian Marksmanship by the official accountable for the Government property issued to the school. Forms for this purpose will be supplied. (38 Stat. 370; 10 U. S. C. 1185; 39 Stat. 643) [Paragraphs

2 and 7, AR 850-100, Aug. 15, 1936, amended by C 1, March 24, 1939]

SEC. 43.2 *Issues of rifles, ammunition, etc., to civilian rifle clubs—(a) Rules for organizing clubs.* Rifle clubs may be organized under the rules of the National Board for the Promotion of Rifle Practice, in accordance with the following regulations:

(1) (i) Ten or more physically fit male citizens above the age of 18 years, residing in any locality may organize a senior civilian rifle club.

(ii) Ten or more physically fit male citizens above 14 years and under 18 years of age residing in any locality may organize a junior civilian rifle club provided such junior rifle club is recommended by a responsible male citizen above the age of 21 years who will be bonded for all Government property issued to the club and who will serve as club supervisor and instructor in rifle marksmanship. This supervisor and instructor will have previously satisfied the Director of Civilian Marksmanship as to his ability to act in this capacity.

(2) The name of such a club should be, if practicable, the same as the city or town in which it is organized, as the Auburn (N. Y.) Rifle Club.

(3) The by-laws, as approved by the Secretary of War, must be adopted.

(4) After organization, the club must affiliate with the National Rifle Association of America, in conformity with a resolution of the National Board for the Promotion of Rifle Practice and approved by the Secretary of War March 23, 1904.

(5) All senior clubs organized under the rules of the National Board for the Promotion of Rifle Practice will carry on small-arms target practice in accordance with the regulations prescribed by the National Board for the Promotion of Rifle Practice and make annual reports of such practice to the Director of Civilian Marksmanship.

(6) (i) All members of affiliated senior clubs are eligible to compete, with both caliber .22 and caliber .30 rifles, for qualification as marksman, sharpshooter, or expert rifleman. The courses authorized to be fired are prescribed in chapter 1, part one, BFM, volume III. Upon qualifying all members will be issued the appropriate badge as authorized therein and the qualification will be recorded in the office of the Director of Civilian Marksmanship.

(ii) Members of junior rifle clubs are eligible to qualify with the caliber .22 rifle only.

(7) (i) The president of a senior civilian rifle club will designate which one of the caliber .30 courses prescribed in chapter 1, part one, BFM, volume III, will be fired for record by the members of his club.

(ii) The course so designated will be fired in accordance with chapter 1, part

one, BFM, volume III, except as herein-after specified.

(iii) The record course so designated may be fired as many times and at such times during the target season as may be authorized by the club president, but only the complete score of the one course having the highest aggregate will be considered for qualification.

(iv) The annual allowance of ammunition will not be increased on account of any rifle club firing the record course more than once.

(v) The record practice of a club will be conducted in accordance with the procedure governing record practice as prescribed in chapter 1, part one, BFM, volume III, except that any rifle, caliber .22 or caliber .30, having metallic sights and a trigger pull of not less than 3 pounds may be used in firing record practice.

(b) *Issues—(1) Arms, ammunition, and appendages.* Arms, ammunition, and appendages will be issued only to such senior rifle clubs as are organized and conduct target practice under the rules of the National Board for the Promotion of Rifle Practice, and to such junior rifle clubs as are organized under the rules of the National Board for the Promotion of Rifle Practice and who conduct firing with the caliber .22 rifle.

(2) *Initial and annual (senior rifle clubs).* To each senior rifle club, insofar as appropriations will permit, not more than the following:

(i) *Initial issue.*

Service	Articles	Remarks
O	Rifle, U. S., cal. .30, M1903.	2 per club. <sup>1</sup>
O	Cover, front sight.	1 per M1903 rifle.
O	Rod, cleaning, barrack, M1916.	1 per club.
O	Sling, gun, M1907 or M1917.	1 per rifle.
NB	Rifle, U. S., cal. .22, M1922M1 or M11.	2 per club. <sup>2</sup>
NB	Rod, cleaning, cal. .22, rifle.	1 per each two rifles issued.
NB	Brush, cleaning, cal. .22, rifle.	1 per rifle.
NB	Carrier, target, indoor.	1 set per club.
O or NB	Carrier, target, outdoor.	1 per club.
NB	Marker, target, short range.	Do.
NB	Marker, target, mid range.	Do.
NB	Flag, danger.	Do.
NB	Flag, ricochet.	Do.

<sup>1</sup> Where the number of members of any one club who participate in rifle practice in any one year does not exceed 25. If more than 25 members of any club participate in rifle practice in any one year then 1 additional rifle for each additional 10 of such members or fraction thereof, the total of such rifles issued not to exceed 8 to any one club.

<sup>2</sup> Where the number of members of any one club who participate in rifle practice in any one year does not exceed 75. If more than 75 members of any club participate in rifle practice in any one year then 2 additional rifles for each additional 75 of such members or fraction thereof, the total of such rifles issued not to exceed 4 to any one club.

Additional target carriers, marking disks, and flags may be issued when, in the opinion of the Director of Civilian Marksmanship, the range facilities, the membership of the club, and its activities warrant such issue.



(ii) *Annual issue.*

Serv-ice	Articles	Remarks
O	Cartridges, ball, cal. .30.	120 per member firing, but not to exceed 12,000 per club.
O	Cartridges, ball, cal. .22, long rifle.	100 per member firing, but not to exceed 10,000 per club.
O	Cloth, target, 72 inches wide, yards.	10 per club.
O	Paster, target, buff or black.	10,000 per club.
O	Disk, target, spotters, 3-inch.	6 per club.
O	Disk, target, spotters, 5-inch.	Do.
O	Spindles, target, spot-ter.	12 per club.
O	Targets, paper, A, B, D, or L.	100 per club.
NB	Targets, gallery, 50 or 75 feet.	1,000 per club.

And to rifle clubs at schools such arms and target material as in the opinion of the Director of Civilian Marksmanship are necessary for the promotion of rifle practice among students. Issues to rifle clubs at schools will be made only upon request of the principal or president of the school. Issues of arms and target material at posts authorized by Section 43.3 may be made by commanding officers without inquiring as to the availability of funds, as any cost adjustments necessary will be made within the War Department.

(3) *Initial and annual issue (junior rifle clubs).* To each junior rifle club, insofar as appropriations will permit, not more than the following:

(i) *Initial issue.*

Serv-ice	Articles	Remarks
NB	Rifle, U. S., cal. .22, M1922 M11.	2 per club.
NB	Rods, cleaning, cal. .22, rifle.	1 per each 2 rifles.
NB	Brushes, cleaning, cal. .22, rifle.	1 per rifle.
O	Slings, gun, M1907.	1 per rifle.

(ii) *Annual issue.*

Serv-ice	Articles	Remarks
O	Cartridges, ball, cal. .22, long rifle.	400 per member firing, but not to exceed 40,000 per club.
NB	Targets, gallery, 50 or 75 feet.	1,000 per club.

(c) *Requisitions*—(1) *Annual issues.* All annual issues will be made upon requisition to the Director of Civilian Marksmanship.

(2) *Ammunition.* Because annual allowances of ammunition date in all cases from January 1 of each year, requisitions should be forwarded before or as soon after that date as practicable for each current year's supply. Allowances not drawn in one year cannot be drawn in the succeeding year. In submitting requisitions for ammunition, the number of members in the rifle club participating in target practice should be stated. The facilities for range practice should also be shown, as follows:

----- ranges; ----- yards; ----- yards; ----- yards.

(3) *Arms, appendages and target material.* Issues of arms, target carriers, and other target material will be made upon requisition to the Director of Civilian Marksmanship, submitted by an officer of a club. Such requisitions must state the number of members of the club in good standing and, if an initial issue, must be accompanied by a description of the tract available for an outdoor range, including location and protection afforded near-by residents; whether owned or leased by club, and if leased the number of years covered by same. A similar report should be submitted as to an indoor range when requisition is made for material for such.

(4) *Forms.* Forms will be issued from the office of the Director of Civilian Marksmanship.

(5) *Appropriations.* The issues herein authorized are dependent upon the appropriation by Congress of the necessary funds to cover the procurement and issue thereof. (43 Stat. 510; 32 U. S. C. 181.) [Paragraphs 11, 12 and 13, AR 850-100, Aug. 15, 1936, amended by C 1, March 24, 1939.]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 39-1379; Filed, April 22, 1939; 9:59 a. m.]

## TITLE 29—LABOR

## CHILDREN'S BUREAU

[Regulation No. 10]

## CHILD LABOR

## PART 402. ACCEPTANCE OF STATE CERTIFICATES

APRIL 24, 1939.

SEC. 402.7 *Designation of States.* Pursuant to the provisions of section 401.5<sup>1</sup> I do hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938:<sup>2</sup>

Alabama	Kentucky
Arizona	Maine
Arkansas	Maryland
California	Massachusetts
Colorado	Michigan
Connecticut	Minnesota
Delaware	Missouri
District of Columbia	Montana
Florida	Nebraska
Georgia	Nevada
Illinois	New Hampshire
Indiana	New Jersey
Kansas	New Mexico
	New York

<sup>1</sup>Section 5, Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (1) and 11 (b) of the Fair Labor Standards Act of 1938, published in 3 F. R. 2437 DI, October 15, 1938; republished in 4 F. R. 1361 DI, March 29, 1939.

<sup>2</sup>52 Stat. 1060; 29 U. S. C., Sup., Chap. 8.

North Carolina	Tennessee
Ohio	Utah
Oklahoma	Vermont
Oregon	Virginia
Pennsylvania	Washington
Rhode Island	West Virginia
South Carolina	Wisconsin
South Dakota	Wyoming

This designation shall be effective from April 24, 1939, until November 1, 1939.

[SEAL] KATHARINE F. LENROOT,  
Chief.

[F. R. Doc. 39-1388; Filed, April 24, 1939; 12:28 p. m.]

## TITLE 46—SHIPPING

## BUREAU OF MARINE INSPECTION AND NAVIGATION

## NUMBERING AND RECORDING OF UNDOCUMENTED VESSELS\*

Section 600.63 as amended (3 F. R. 2303 DI) (issue of September 24, 1938) is hereby amended to read as follows:

1. Application for numbers will be made by the owner or master to the collector of customs of the district in which the owner resides. The owner will then receive full instructions as to the number awarded, how it is to be placed on the vessel, etc.

2. This law does not amend section 14 of the act of March 4, 1915, requiring the marking of lifeboats.

3. The following undocumented vessels are required to be numbered:

1. All boats equipped with permanently fixed engines.

2. All boats over 16 feet in length equipped with detachable engines.

3. All boats not more than 16 feet in length equipped with detachable engines as the ordinary means of propulsion.

4. The following undocumented vessels are not required to be numbered:

1. All boats not exceeding 16 feet in length equipped with detachable engines and falling within the following classes:

(a) Rowboats and canoes designed and intended for the use of oars or paddles as the ordinary means of propulsion.

(b) Sailboats.

(c) Boats designed and used solely for the purpose of racing or operation incident to racing. (40 Stat. 602 as amended, 46 U. S. C. 288, Supp. IV)

[SEAL] J. M. JOHNSON,  
Acting Secretary of Commerce.

[F. R. Doc. 39-1383; Filed, April 22, 1939; 12:59 p. m.]

\*Title, chapter and section numbers used herein correspond to those used in the codified regulations of the Bureau of Marine Inspection and Navigation, Department of Commerce, filed with the Codification Board June 30, 1938.



## Notices

### DEPARTMENT OF LABOR.

#### Children's Bureau.

#### IN THE MATTER OF THE PROPOSED REGULATION RELATING TO THE EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE UNDER THE FAIR LABOR STANDARDS ACT OF 1938

APRIL 20, 1939.

Whereas, section 12 (a) of the Fair Labor Standards Act of 1938 (52 Stat. 1060) prohibits the shipment or delivery for shipment in commerce (as defined in the Act) of goods produced in establishments situated in the United States in or about which within thirty days prior to the removal of such goods therefrom any oppressive child labor has been employed; and

Whereas, section 3 (1) of the said Act, which defines oppressive child labor, authorizes the Chief of the Children's Bureau to

provide by regulation or by order that the employment of employees between the ages of fourteen and sixteen years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Chief of the Children's Bureau determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being

and

Whereas, pursuant to the authority contained in the said section 3 (1) the Chief of the Children's Bureau on October 21, 1938, issued a temporary regulation effective until January 23, 1939, relating to the employment of minors between 14 and 16 years of age under the said Fair Labor Standards Act, and on November 3, 1938, issued a regulation amending the temporary regulation of October 21, 1938; and

Whereas, the said temporary regulation as amended was extended for a period of 90 days until April 24, 1939, by regulation issued January 10, 1939, and for an additional period of 30 days until May 24, 1939, by regulation issued April 14, 1939; and

Whereas, the Chief of the Children's Bureau has proposed to issue a permanent regulation for the employment of minors between 14 and 16 years of age pursuant to the authority conferred by section 3 (1) of the said Act; and

Whereas, a public hearing was held in Washington, D. C., on February 15, 1939, by the Chief of the Children's Bureau, pursuant to public notice of the time and place thereof published in the FEDERAL REGISTER on February 1, 1939,<sup>1</sup> at which public hearing all parties appearing were given opportunity to be heard with respect to the said proposed regulation, to question witnesses, to file briefs and ad-

ditional statements subsequent to the hearing, and to file briefs in reply to the same; and

Whereas, all such evidence and arguments submitted in connection with the said hearing have been carefully considered and upon the basis thereof it has been found appropriate to make certain changes in the provisions of the proposed regulation,

Now therefore, notice is hereby given that objections will be received for a period of 10 days following publication in the FEDERAL REGISTER of the following proposed regulation, as revised, after which time the proposed regulation will be issued as a permanent regulation by the Chief of the Children's Bureau, unless, in the opinion of the Chief of the Children's Bureau, objections thereto disclose just cause for further revision thereof

#### Proposed Regulation

[As Revised]

#### CHILD LABOR REGULATIONS

[Regulation No. 3]

#### PART 441. EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE\*

SEC. 441.1 *Effect of this regulation.* In all occupations covered by this regulation the employment (including suffering or permitting to work) by an employer of minor employees between 14 and 16 years of age for the periods and under the conditions hereafter specified shall not be deemed to be oppressive child labor within the meaning of the Fair Labor Standards Act of 1938.

SEC. 441.2 *Occupations.* This regulation shall apply to all occupations other than the following:

(a) Manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in work rooms or work places where goods are manufactured, mined, or otherwise processed;

(b) Occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines;

(c) The operation of motor vehicles or service as helpers on such vehicles;

(d) Public messenger service;

(e) Occupations which the Chief of the Children's Bureau may, pursuant to section 3 (1) of the Act, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

SEC. 441.3 *Periods and conditions of employment.* Employment in any of the occupations to which this regulation is applicable shall be confined to the following periods:

(a) Outside school hours;

(b) Not more than 40 hours in any one week when school is not in session;

\*Issued pursuant to the authority conferred by section 3 (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060).

(c) Not more than 18 hours in any one week when school is in session;

(d) Not more than 8 hours in any one day when school is not in session;

(e) Not more than 3 hours in any one day when school is in session;

(f) Between 7 a. m. and 7 p. m. in any one day, except in the distribution of newspapers;

(g) Between 6 a. m. and 7 p. m. in any one day, in the distribution of newspapers, except that during the period from April 1 to September 30 in each year the evening limit shall be 8 p. m.; *Provided, however,* That no minor shall be employed in the distribution of newspapers both before and after noon of any day when school is in session except between the hours of 7 a. m. and 7 p. m.;

(h) Paragraphs (f) and (g) hereof shall refer to standard time except that wherever daylight-saving time is adopted as the official time of a community paragraphs (f) and (g) shall refer to daylight-saving time.

SEC. 441.4 *Certificates of age, effect.* The employment of any minor in any of the occupations to which this regulation is applicable, if confined to the periods specified in section 441.3, shall not be deemed to constitute oppressive child labor within the meaning of the Act if the employer shall have on file an unexpired certificate, issued in substantially the same manner as that provided for the issuance of certificates in Part 401<sup>1</sup> relating to certificates of age or in Child Labor Regulation No. 1-A, as amended,<sup>2</sup> relating to temporary certificates of age, certifying that such minor is of an age between 14 and 16 years.

SEC. 441.5 *Effect on other laws.* No provision of this regulation shall under any circumstances justify or be construed to permit noncompliance with the wage and hour provisions of the Act or with the provisions of any other Federal law or of any State law or municipal ordinance establishing higher standards than those established under this regulation.

SEC. 441.6 *Effective period of regulation.* This regulation shall be in force and effect from May 24, 1939, until amended or repealed by regulations hereafter made by the Chief of the Bureau.

SEC. 441.7 *Revision of regulation.* Any person wishing a revision of any of the terms of this regulation may submit in writing to the Chief of the Bureau a petition setting forth the changes desired and the reasons for proposing

<sup>1</sup> Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, published in 3 F. R. 2487 DI, October 15, 1938; republished in 4 F. R. 1361 DI, March 29, 1939.

<sup>2</sup> Child Labor Regulation No. 1-A, "Temporary Certificates of Age," issued October 14, 1938, published in 3 F. R. 2531 DI, October 22, 1938; Child Labor Regulation No. 1-B, "Extension of Temporary Certificates of Age Regulation," issued January 19, 1939, published in 4 F. R. 402 DI, January 24, 1939; Child Labor Regulation No. 1-C, "Extension of Temporary Certificates of Age Regulation," issued April 14, 1939, published in 4 F. R. 1620 DI, April 15, 1939.

<sup>1</sup> 4 F. R. 489 DI.



them. If, after consideration of the petition, the Chief of the Bureau believes that reasonable cause for amendment of the regulation is set forth, he shall either schedule a hearing with due notice to interested parties, or shall make other provision for affording interested parties an opportunity to be heard.

[SEAL] KATHARINE F. LENROOT,  
Chief.

[F. R. Doc. 39-1378; Filed, April 21, 1939;  
1:26 p. m.]

#### Wage and Hour Division.

[Administrative Order No. 21]

#### CONVENING OF INDUSTRY COMMITTEE NO. 5 FOR THE MILLINERY INDUSTRY

Whereas, by Administrative Order No. 17 dated March 7, 1939,<sup>1</sup> I, Elmer F. Andrews, Administrator of the Wage and Hour Division, U. S. Department of Labor, have heretofore appointed for the millinery industry, as defined in the said Order, Industry Committee No. 5 composed of the following representatives:

##### For the Public:

Karl de Schweinitz, Chairman, Philadelphia, Pa.

Stanley Marcus, Dallas, Texas.

Miss Rosamond Lamb, Boston, Massachusetts.

Mrs. Elizabeth Brandeis Raushenbush, Madison, Wis.

Arthur R. Wilson, Chicago, Illinois.

##### For the Employees:

Max Zaritsky, New York, New York.

Alex Rose, New York, New York.

Max Goldman, New York, New York.

Joseph Myles, St. Louis, Missouri.

Miss Stella Nelson, Chicago, Illinois.

##### For the Employers:

Walter K. Marks, New York, New York.

L. D. Thompson, Atlanta, Georgia.

George Sherman, St. Louis, Missouri.

Joseph Pearl, Chicago, Illinois.

H. A. Baum, Jersey City, New Jersey.

Now, therefore, I, by virtue of authority vested in me by Section 8 (a) of the Fair Labor Standards Act of 1938, do hereby convene Industry Committee No. 5, to meet in Room 3229 of the Department of Labor Building, Washington, D. C., on May 31, 1939, at 9:30 o'clock A. M.

The said committee shall proceed forthwith, in accordance with the provisions of the Fair Labor Standards Act of 1938 and Part 511 of the regulations issued thereunder,<sup>2</sup> to investigate conditions in the millinery industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of the said Act are "engaged in commerce or in the production of goods for commerce," ex-

cepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 20 day of April, 1939.

ELMER F. ANDREWS,  
Administrator.

[F. R. Doc. 39-1376; Filed, April 21, 1939;  
11:19 a. m.]

#### NOTICE OF PUBLIC HEARING BEFORE INDUSTRY COMMITTEE NO. 5 FOR PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR THE MILLINERY INDUSTRY

In conformity with the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Section 511.11 of Part 511 of the Rules and Regulations issued pursuant thereto,<sup>1</sup> notice is hereby given to all interested persons that a public hearing will be held beginning at 11 A. M., May 31, 1939, in the Hotel Washington, 15th Street and Pennsylvania Avenue, N. W., Washington, D. C., for the purpose of receiving evidence to be considered by Industry Committee No. 5 in determining the highest minimum wage rates for the millinery industry which, with due regard to economic and competitive conditions, will not substantially curtail employment.

The term "millinery industry" is defined in Administrative Order No. 17, issued March 7, 1939,<sup>2</sup> as follows:

The manufacture of all headwear, except knitted headwear, for ladies, misses, girls and infants, from any material, but not including the manufacture of hat bodies of fur-felt or wool-felt.

Industry Committee No. 5 was created by Administrative Order No. 17, referred to above. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, with the duty of investigating conditions in the millinery industry and recommending to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Any interested person may appear on his own behalf or on behalf of any other person. Persons desiring to appear are requested to file with Burton E. Oppenheim, Chief of the Industry Committee Section, Wage and Hour Division, U. S. Department of Labor, Washington, D. C., prior to May 24, 1939, a Notice of Intention to Appear containing the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) The approximate length of time which his presentation will consume.

Signed at Philadelphia, Pennsylvania, this 19th day of April, 1939.

KARL DE SCHWEINITZ,  
Chairman,  
Industry Committee No. 5  
for the Millinery Industry.

[F. R. Doc. 39-1384; Filed, April 24, 1939;  
11:02 a. m.]

#### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5584]

IN THE MATTER OF MULTIPLE PRESS OR NEWS SERVICE OF MACKAY RADIO AND TELEGRAPH COMPANY (CALIFORNIA), MACKAY RADIO AND TELEGRAPH COMPANY, INC. (DELAWARE), RADIOMARINE CORPORATION OF AMERICA, TROPICAL RADIO TELEGRAPH COMPANY, AND GLOBE WIRELESS, LTD.

##### ORDER

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 17th day of April, A. D., 1939.

The Commission having under consideration the subject of multiple press or news service of the carriers above-named, and one of the charges therefor, and of the regulations, classifications and practices affecting the charges for the transmission of multiple press or news in interstate and foreign commerce where the published charges include charges for both the communication service and the news itself;

It is ordered, That an investigation be, and it is hereby instituted by the Federal Communications Commission, on its own motion, into and concerning the lawfulness of the maximum, minimum, and precise basis of all charges and of the classifications, regulations and practices relating thereto, applicable to the transmission by the above-named carriers of multiple press or news, where the published charges include the charges for both the communication service and for the news itself, with a view to determining whether the charges, and the classifications, regulations, and practices, relating thereto, applicable to such transmissions are in any respect in violation of the law, and of making such findings and entering such order or orders in the premises, and of taking such other and further action as the facts and circumstances may appear to warrant:

It is further ordered, That Mackay Radio and Telegraph Company (California), Mackay Radio and Telegraph Company, Inc. (Delaware), Radiomarine Corporation of America, Tropical Radio

<sup>1</sup> 4 F. R. 1187 DI.

<sup>2</sup> 3 F. R. 2744 DI.

<sup>1</sup> 3 F. R. 2744 DI.

<sup>2</sup> 4 F. R. 1187 DI.



Telegraph Company, and Globe Wireless Ltd. be and are hereby made respondents to this proceeding, that this order be served upon the respondents, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission; and

*It is further ordered,* That said proceeding be, and is hereby assigned for hearing the 22nd day of May, A. D. 1939, at 10:00 a. m., at the office of the Federal Communications Commission, Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 39-1380; Filed, April 22, 1939;  
9:59 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

##### *United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of April, A. D. 1939.

[File No. 43-189]

#### IN THE MATTER OF EMPIRE SOUTHERN GAS COMPANY

##### ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Empire Southern Gas Company, a subsidiary of Utilities Stock & Bond Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the guaranty of twenty-four secured 5% Mortgage Notes in the aggregate principal amount of \$35,000 to be issued by Premier Oil Refining Company of Texas to the Minden Bank and Trust Company, of Minden, Louisiana;

A public hearing on said declaration, as amended, having been held after appropriate notice;<sup>1</sup> the record in this matter having been duly considered; and the

<sup>1</sup> 4 F. R. 1240 DI.

Commission having filed its findings herein;

*It is ordered,* That such declaration, as amended, be and become effective forthwith on the conditions:

(1) that Utilities Stock & Bond Corporation promptly fulfill its agreement with Empire Southern Gas Company to subordinate, both as to principal and interest, the obligation of Empire to Utilities in the principal amount of \$1,500,000 to the obligation to be assumed by Empire in connection with its guaranty of the principal of and interest on the mortgage notes to be issued by Premier Oil Refining Company of Texas to the Minden Bank and Trust Company in the principal amount of \$35,000;

(2) that the guaranty of the aforesaid notes shall be effected in compliance with the terms and conditions set forth in, and for the purposes represented by, said amended declaration;

(3) that within ten days after the guaranty of the aforesaid notes the declarant shall file with this Commission a certificate of notification showing that the guaranty of the aforesaid notes has been effected in accordance with the terms and conditions of, and for the purposes represented by, said amended declaration.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1381; Filed, April 22, 1939;  
11:19 a. m.]

##### *United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1939.

[File No. 43-191]

#### IN THE MATTER OF AMARILLO GAS COMPANY

##### ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Amarillo Gas Company, a subsidiary of Southwestern Development Company, a

registered holding company, having filed a declaration and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue of 4,000 shares of its Common Stock (par value \$100 per share) as a stock dividend, which will transfer \$400,000 from earned surplus account to capital account;

A public hearing having been held on the declaration as amended, pursuant to appropriate notice;<sup>1</sup> declarant having, prior to the entry of the findings and order of the Commission, waived a trial examiner's report, submission of proposed findings of fact to the Commission or requested findings of fact by counsel for the Commission, the filing of briefs with the Commission, and oral argument before the Commission; the record in this matter having been duly considered; and the Commission having made and filed its findings herein;

*It is ordered,* That said declaration, as amended, be and become effective forthwith, on the conditions, however:

(1) that the issue of the aforesaid 4,000 shares of Common Stock (par value \$100 per share) and the transfer of the aforesaid \$400,000 from earned surplus account to capital account shall be effected in compliance with the terms and conditions set forth in, and for the purposes represented by, said amended declaration; and

(2) that within ten days after the issue of the aforesaid Common Stock and the transfer of the aforesaid amount, the declarant shall file with the Commission a certificate of notification showing that the issuance of the aforesaid Common Stock and the transfer of the aforesaid amount have been effected in accordance with the terms and conditions of, and for the purposes represented by, said amended declaration.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1382; Filed, April 22, 1939;  
11:19 a. m.]

<sup>1</sup> 4 F. R. 1324 DI.